

Hand-Delivered

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CASE NUMBER 1:23-CV-270

FILED
ASHEVILLE, NC

JAN 03 2024

U.S. DISTRICT COURT
W. DISTRICT OF N.C.

MACKENZIE ELAINE BROWN

Plaintiff

v.

HENDERSON COUNTY SHERIFF'S
OFFICE, et al.

Defendants

EXHIBIT
LIST

EXHIBIT 1: OCTOBER 1, 2021, CRIMINAL COMPLAINT FORM AGAINST PLAINTIFF'S
ABUSER, REGARDING ASSAULT INCIDENT

EXHIBIT 2: SEPTEMBER 3, 2022, CRIMINAL COMPLAINT FORM AGAINST
PLAINTIFF'S ABUSER, REGARDING ASSAULT INCIDENT

EXHIBIT 3: SUBPOENA FOR ASSAULT ON A FEMALE CASE

EXHIBITS

EXHIBIT 1: OCTOBER 1, 2021, CRIMINAL COMPLAINT FORM AGAINST PLAINTIFF'S ABUSER, REGARDING ASSAULT INCIDENT

Exhibit 1 is of the criminal complaint form that Plaintiff submitted with Magistrate OATES on October 1, 2021, regarding the assault incident that she was a victim in.

EXHIBIT 2: SEPTEMBER 3, 2022, CRIMINAL COMPLAINT FORM AGAINST PLAINTIFF'S ABUSER, REGARDING ASSAULT INCIDENT

Exhibit 2 is of the criminal complaint form that Plaintiff submitted with Magistrate Jernigan on September 3, 2022, regarding the assault incident that she was a victim in.

EXHIBIT 3: SUBPOENA FOR ASSAULT ON A FEMALE CASE

Exhibit 3 is of the Subpoena for the Assault on a Female case, regarding the assault incident that she was a victim in.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CASE NO. 1:23-CV-270

MACKENZIE ELAINE BROWN

Plaintiff

v.

EXHIBIT 1

HENDERSON COUNTY SHERIFF'S

OFFICE, et. al

Defendants

EXHIBIT 1: OCTOBER 1, 2021,
CRIMINAL COMPLAINT FORM
AGAINST PLAINTIFF'S ABUSER

CRIMINAL COMPLAINT

A Magistrate is an official for the State of North Carolina. If you want the Magistrate to issue an arrest warrant or criminal summons, you must fill out this criminal complaint form and give it to the Magistrate. The Magistrate will then decide whether to issue a process based on your testimony. You must provide the name and address of the accused as well as your own address. If your address changes before the case is heard in court, you must notify the Clerk of Superior Court for Henderson County of your new address.
(Henderson County Clerk of Superior Court phone number: 828-694-4100)

Victim's Information

Name First Mackenzie Middle Last Brown
Date of Birth 8/25/1997 Male ☒ Female ☐ Race white
Address 158 Haven Rd, East Flat Rock, NC 28726
Home Phone# Work# Mobile# 828-215-4337
Employer n/a Address
Driver's License #
Restitution or Damages \$ 80 (bring receipts or bills to court)
Does suspect have a related pending criminal charge against you? NO

Suspect's Information

Name First Robert Middle Dillion Last Burgess-Branch
Date of Birth 8-22-1993 Male ☒ Female ☐ Race white
Address 7 Burgess-Branch Rd, Black Mountain, NC 28711
Home Phone# Work# Mobile# 828-215-5929
Employer n/a Address
Driver's License#

What did suspect do? assaulted me while I'm pregnant by strangling my throat, squeezing my torso to keep me restrained, said he wanted to kill me and my baby, said he would burn house with me in it, came towards me with my axe, but I drove off before he could hurt me anymore. He stole the axe (worth \$80)

When did this happen?

Where did this happen? Inside and outside my home (158 Haven Rd, E Flat Rock)

Witness Information

Name Address Phone
Name Address Phone

The information in this Criminal Complaint is true to the best of my knowledge.

Date: 10/1/2021 X

Mackenzie Brown
Signature of Prosecuting Witness

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA

ASHEVILLE DIVISION

CASE NO. 1:23-CV-270

MACKENZIE ELAINE BROWN

Plaintiff

v.

EXHIBIT 2

HENDERSON COUNTY SHERIFF'S

OFFICE, et. al

Defendants

EXHIBIT 2: SEPTEMBER 3, 2022,
CRIMINAL COMPLAINT FORM
AGAINST PLAINTIFF'S ABUSER

CRIMINAL COMPLAINT

A Magistrate is a judicial official for the State of North Carolina. If you want the Magistrate to issue an arrest warrant or criminal summons, you must fill out this criminal complaint form and give it to the Magistrate. The Magistrate will then decide whether to issue a process based on your sworn testimony. You must provide the name and address of the accused as well as your name and address. If your address changes before the case is heard in court, you must notify the Clerk of Superior Court for Henderson County of your new address.

(Henderson County Clerk of Superior Court phone number: 828-694-4100)

Victim's Information

Name First Mackenzie Middle _____ Last Brown
Date of Birth 8-25-1997 Male ☒ Female ☐ Race White
Address 158 Haven Rd, East Flat Rock, NC 28726
Home Phone# _____ Work# _____ Mobile# _____
Employer _____ Address _____
Driver's License# _____
Restitution or Damages \$ _____ (bring receipts or bills to court)
Does suspect have a related pending criminal charge against you? _____

Suspect's Information

Name First Robert Middle Dillon Last Burgess-Branch
Date of Birth 8-22-1993 Male ☒ Female ☐ Race White
Address 7 Burgess-Branch Rd, Black Mountain, NC 28711
Home Phone# _____ Work# _____ Mobile# 828-215-5929
Employer _____ Address _____
~~Driver's License# _____~~

What did suspect do?

Picking her up by the throat, pushed her up @ throat,
And forced her to have sex

When did this happen?

9-26-21 @ 9:00 pm

Where did this happen?

Inside & outside my home

Witness Information

Name _____ Address _____ Phone _____
Name _____ Address _____ Phone _____

The information in this Criminal Complaint is true to the best of my knowledge.

Date: 9-3-22

Mackenzie Brown
Signature of Prosecuting Witness

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA

ASHEVILLE DIVISION

CASE NO. 1:23-CV-270

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Plaintiff

v.

EXHIBIT 3

HENDERSON COUNTY SHERIFF'S

OFFICE, et. al

Defendants

EXHIBIT 3: SUBPOENA FOR ASSAULT
ON A FEMALE CASE

STATE OF NORTH CAROLINA

File No.

22-CR -286228

HENDERSON County

In The General Court Of Justice

☒ District ☐ Superior Court Division

STATE OF NORTH CAROLINA

Additional File Numbers

VERSUS

BURGESS-BRANCH, ROBERT DILLI

SUBPOENA

G.S. 1A-1, Rule 45; 8-59, -61, -63; 15A-801, -802

Party Requesting Subpoena

☒ State/Plaintiff

☐ Defendant

NOTE TO PARTIES NOT REPRESENTED BY COUNSEL: Subpoenas may be produced at your request, but must be signed and issued by the office of the Clerk of Superior Court, or by a magistrate or judge.

TO

Name And Address Of Person Subpoenaed

BROWN, MACKENZIE ELAINE
158 HAVEN ROAD

EAST FLAT ROCK NC 28726

Alternate Address

Telephone No.

Telephone No.

YOU ARE COMMANDED TO: (check all that apply)

☒ appear and testify, in the above entitled action, before the court at the place, date and time indicated below.

☐ appear and testify, in the above entitled action, at a deposition at the place, date and time indicated below.

☐ produce and permit inspection and copying of the following items, at the place, date and time indicated below.

☐ See attached list. (List here if space sufficient)

ADDITIONAL INSTRUCTIONS MAY BE ATTACHED TO THIS SUBPOENA.

REFERENCED CHARGES:

ASSAULT ON A FEMALE

Name And Location Of Court/Place Of Deposition/Place To Produce

HENDERSONVILLE ROOM: 0001

Date To Appear/Produce, Until Released

11/18/22

Time To Appear/Produce, Until Released

09:00

☒ AM ☐ PM

Date

10/27/22

Name And Address Of Applicant Or Applicant's Attorney

Signature

J. TYLER RAY

☐ Deputy CSC

☐ Assistant CSC

☒ Clerk Of Superior Court

☐ Magistrate

☐ Attorney/DA

☐ District Court Judge

☐ Superior Court Judge

Telephone No. Of Applicant Or Applicant's Attorney

RETURN OF SERVICE

I certify this subpoena was received and served on the person subpoenaed as follows:

By ☐ personal delivery. ☐ registered or certified mail, receipt requested and attached.

☐ telephone communication by Sheriff (use only for a witness subpoenaed to appear and testify).

☐ telephone communication by local law enforcement agency (use only for a witness subpoenaed to appear and testify in a criminal case).

NOTE TO COURT: If the witness was served by telephone communication from a local law enforcement agency in a criminal case, the court may not issue a show cause order or order for arrest against the witness until the witness has been served personally with the written subpoena.

☐ I was unable to serve this subpoena. Reason unable to serve:

Service Fee
\$

☐ Paid
☐ Due

Date Served

Name Of Authorized Server (type or print)

Signature Of Authorized Server

Title/Agency

NOTE TO PERSON REQUESTING SUBPOENA: A copy of this subpoena must be delivered, mailed or faxed to the attorney for each party in this case. If a party is not represented by an attorney, the copy must be mailed or delivered to the party. This does not apply in criminal cases.

AOC-G-100, Rev. 2/18

(Please see reverse side)

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